UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,131	10/21/2001	Francisco M. Galanes	M61.12-0393	9228

			EXAMINER
7590	04/14/2005		LERNER, MARTIN

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ART UNIT	PAPER NUMBER
2654	

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1 to 56* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1 to 56* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>22 October 2002</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/12/2003</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2.   Claims 1 to 46 and 52 to 56 are rejected under 35 U.S.C. 102(a) as being

anticipated by *Ladd et al. ('336)*.

Regarding independent claims 1, 12, and 23, *Ladd et al. ('336)* discloses:

"a first set of visual controls having attributes for visual rendering on the client

device" – displayed information from a service provider includes text and graphics

(column 1, lines 36 to 44); a network access apparatus provides information to a user

as human readable data, textual information, graphical or image data (column 3, lines

40 to 57; column 4, lines 54 to 56: Figure 1); text formats are provided in a standard

HTML<FORM> text (column 20, lines 20 to 28); HTML<FORM> text is an attribute in

HTML for displaying text ("attributes for visual rendering on the client device"); a

network access apparatus 102 is a client connected to servers on content providers 106

(column 2, lines 19 to 47: Figure 1);

"a second set of controls having attributes related to at least one of recognition

and audibly prompting, the second set of controls are selectively associated with the

first set of controls" – a voice browser receives markup language audio samples (column 12, lines 7 to 14: Figure 4); a voice browser defines attributes for a markup language document including volume pitch, and reprompt (column 12, line 25 to column 13, line 40); a markup language includes attributes for prompts and receiving inputs for recognition (column 17, line 35 to column 18, line 55); implicitly, markup language for displayed text or graphics ("the first set of controls") corresponds to markup language for voice prompts ("the second set of controls") in a text-to-speech unit.

Regarding independent claim 52, *Ladd et al. ('336)* further discloses website applications (column 3, line 6 to column 4, line 3).

Regarding claims 2 to 4, 13 to 15, and 24 to 26, *Ladd et al. ('336)* discloses attributes for grammars (column 13, lines 6 to 10), and retrieving grammars from database locations (column 12, lines 7 to 14; column 14, lines 18 to 28) for speech recognition.

Regarding claims 5 to 6, 16 to 17, and 27 to 28, *Ladd et al. ('336)* discloses HTML and XML (column 20, lines 20 to 27; column 38, lines 18 ff.).

Regarding claims 7 to 8, 18 to 19, and 29 to 30, *Ladd et al. ('336)* discloses attributes for converting text to speech by controlling volume, pitch, and range (column 12, lines 46 to 49; column 18, lines 50 to 55).

Regarding claims 9 to 11, 20 to 22, and 31 to 33, *Ladd et al. ('336)* discloses determining an address for playing a prompt to a user (column 13, line 66 to column 14, line 17: Figure 5a: Steps 400, 402, 406); both recorded sound samples (column 15, line 63) and text to speech (TTS) (column 16, lines 11 to 20) are provided.

Regarding claims 34 and 53, *Ladd et al. ('336)* discloses a markup language for text to speech; implicitly, when the text is displayed and the speech is produced for an audible prompt, there is an association of attributes between visual controls and audible controls.

Regarding claims 35 to 37, *Ladd et al. ('336)* discloses an option list in a markup language for controlling which choices are available at a network access apparatus (column 28, lines 9 to 60).

Regarding claim 38, *Ladd et al. ('336)* discloses a FORM input to collect an order in response to a prompt, and post the input to an address (column 20, lines 20 to 46); thus, a markup language controls a prompt, then activates an input, and then performs a post operation.

Regarding claims 39 to 43 and 54, *Ladd et al. ('336)* discloses a markup language for generating an audible prompt of a question and a grammar for an answer; an answer is followed by, and is activated, a question prompt, where an answer is bound for recognition by <INPUT TYPE> (column 18, lines 40 to 55); a post operation is "an event related to operation of binding" (column 20, lines 28 to 46).

Regarding claims 44 to 46 and 55 to 56, *Ladd et al. ('336)* discloses a markup language for re-prompting ("repeating an audible prompt") (column 14, line 57 to column 15, line 16: Figure 5a: Steps 416, 425) and an attribute for confirming a recognition result (column 15, lines 45 to 54: Figure 5a: Step 452).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 47 to 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Ladd et al. ('336)* in view of *WCW Working Draft ("Grammar Representation Requirements for Voice Markup Languages")*.

Ladd et al. ('336) discloses a confirmation control to accept an answer as a recognized result that is correct (column 15, lines 44 to 59: Figure 5b: Step 456). Lack of confirmation implicitly denies a recognized result, whereupon the process continues to replay a prompt for a current step so as to correct a recognition result. (Figures 5a and 5b: Step 446) However, *Ladd et al. ('336)* omits an attribute related to a confidence level for confirming, accepting or denying, and correcting a recognition result. *WCW Working Draft* teaches grammars for voice markup languages with attributes, where confidence scoring tightens or relaxes the normal rejection constraints to provide content based control of performance. (Sections 4.3 and 5.1) It would have been obvious to one having ordinary skill in the art to provide confidence scoring as taught by *WCW Working Draft* in the voice browser for interactive services of *Ladd et al. ('336)* for the purpose of tightening or relaxing rejection constraints to provide content based control of performance.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to
Applicants' disclosure.

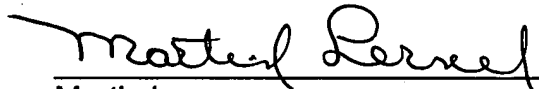Brown et al. ('123) and Brown et al. ('075) disclose related art.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Martin Lerner whose telephone number is (571) 272-
7608. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to
Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone
number for the organization where this application or proceeding is assigned is 703-
872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

ML
4/1/05

Martin Lerner
Examiner
Group Art Unit 2654